

CALIFORNIA COASTAL COMMISSION

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F9b

Date Filed: June 12, 2006
49th Day: July 31, 2006
180th Day: December 9, 2006
Staff: Jim Baskin
Staff Report: September 28 2006
Hearing Date: October 13, 2006
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-06-025**

APPLICANT: **ROBERT AFFINITO**

PROJECT LOCATION: 32200 North Harbor Drive, Noyo Harbor Area, Mendocino County, (APN 18-130-39)

PROJECT DESCRIPTION: Repair and improve existing mobilehome park infrastructure by: (1) replacing existing water sewer and electric lines; (2) installing propane tank and associated gas distribution lines; and (3) repaving existing driveways and mobilehome park off-street parking areas.

GENERAL PLAN DESIGNATION: Fishing Village

ZONING DESIGNATION: Fishing Village (FV)

LOCAL APPROVALS REQUIRED: None Required

OTHER APPROVALS REQUIRED: California Department of Housing and Community Development 25 CCR §1018
Permit to Construct

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Application
File No. 1-06-025; and County of
Mendocino LCP

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of a coastal development permit for the repair and improvement of electrical, water, sewer, and natural gas (propane) infrastructure within an existing mobilehome park located in Noyo Harbor near the City of Fort Bragg in western-central Mendocino County.

The site is located within the lower harbor, an area predominated by coastal-dependent, coastal-related, and visitor-serving facility uses, including various commercial fishing-oriented docks, wharves, and drayage and boat repair facilities, fishing charter guide services, tackle shops, restaurants, and related retail tourism establishments, along the north bank of the Noyo River, approximately 500 feet upstream from the Highway One bridge.

The subject permit is being requested to: (a) provide follow-up, after-the-fact legitimation for the repairs conducted to the electrical and domestic water supply distribution and wastewater treatment collection and conveyance systems within the park without first securing a coastal development permit; and (b) authorize the installation of a new propane fuel distribution and storage system to serve the park resident's mobilehome dwellings. Staff is recommending three special conditions to minimize the development's potential impact to the coastal resources of the area.

Special Condition No. 1 identifies water quality best management practices to be employed during grading and construction of the utility lines and repaving of accessways and parking areas, including the installation of containment barriers to prevent entry of debris into river waters and that any materials that should enter the river be immediately extricated, requiring prompt removal of debris from the site to an authorized disposal site. Special Condition No. 1 also sets standards for the staging, operation, fueling, hydraulic fluid type, and hazardous material spill prevention and clean-up contingencies to prevent similar entry of hydrocarbon products into coastal waters.

Special Condition No. 2 directs that the development be implemented in strict compliance with the proposal set forth in the permit application as modified by the special conditions. Any deviations in utility system or paving materials, or to the configuration of the facility infrastructure further encroaches toward the river, or any other changes that result in the introduction of new uses or changes in the density or intensity of the use of land or access to water are subject to securing a permit amendment, as determined by the Executive Director.

Special Condition No. 3 sets the issuance date of the subject permit concurrent upon the Commission's approval.

Staff believes that the project, as conditioned, will protect the adjoining environmentally sensitive stream habitat within and along the Noyo River, including the surrounding intertidal wetland areas, from impacts of the project consistent with Section 30240 of the Coastal Act, and will protect the biological productivity and the quality of coastal waters consistent with Section 30231. In addition, with the requirement that all changes in the intensity or density of the use of land or access to the water being made subject to review by the Commission, priority coastal uses within the Noyo Harbor area will be protected. As conditioned, staff believes that the proposed project is fully consistent with the Coastal Act.

The Motion to adopt the Staff Recommendation of Denial is found on page 3.

STAFF NOTES:

1. Standard of Review

The proposed project is located on the northern banks of the Noyo River estuary in Mendocino County, in areas shown on the State Lands Commission over which the state retains a public trust interest. Therefore, the site is within the Commission's area of retained jurisdiction, and the standard of review that the Commission must apply to the development is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-06-025 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities

The permittee shall comply with the following construction-related requirements:

- (a) All construction materials and debris originating from the project shall be stored and/or contained in a manner to preclude their uncontrolled entry and dispersion to the waters of the Noyo River. Any debris resulting from construction activities that should inadvertently enter the river shall be removed from coastal waters immediately;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion;
- (c) Excavated soil materials associated with the trenching for the installation of utility conduits and pipelines shall be side-cast in windrows immediately adjacent to the excavated trench to allow for ease in covering the exposed materials during inclement weather;
- (d) Silt screens, straw bales, and/or coir-rolls appropriate for use in riverside and floodplain settings applications shall be installed around the perimeter of the areas to be graded and excavated prior to the initiation of grading and excavation activities and shall be maintained throughout project construction. Additional silt and sediment barrier materials shall be kept at the site and deployed as needed to reinforce sediment containment structures should unseasonable rainfall occur;

- (e) If rainfall is forecast during the time construction activities are being performed: (i) all exposed soils materials excavated to form the utility trenches shall be covered with minimum 10-mil plastic sheeting, secured with sand bagging or other appropriate materials, and (ii) any other exposed soil areas shall be promptly mulched before the onset of precipitation;
- (f) Mechanized heavy equipment, including excavation, paving, and materials delivery vehicles used during the construction process shall not be staged, operated, stored, or re-fueled within 100 feet of the waters of Noyo River;
- (g) To minimize the entrainment and entry of hydrocarbon-tainted runoff into coastal waters, asphaltic concrete paving operations shall be performed during dry-weather periods when the National Weather Service's Northwestern California forecast for the Fort Bragg sub-area of the Mendocino Coast predicts a less than 50 percent chance of precipitation for the timeframe in which the repaving work is to be conducted; and
- (h) Fuels, lubricants, and solvents shall not be allowed to enter the waters of the Noyo River. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.

2. Future Development Restriction

- A. This permit is only for the development described in Coastal Development Permit Application No. 1-06-025. All development authorized by Coastal Development Permit No. 1-06-025 must occur in strict compliance with the proposal set forth in the application for the permit as modified by the special conditions. Any deviation from the plan proposal, including a change in the location of the utility installations or paving materials, increases in the intensity, density, or specific use of the site, or any other changes to the proposed project may require an amendment to Permit No. 1-06-025 from the Commission or securement of an additional coastal development permit from the Commission.
- B. The permittee shall undertake development in accordance with the approved electrical, water, sewer, and natural gas (propane) utility installation and re-paving plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Permit Expiration and Condition Compliance

Because some of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the enforcement provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Site Description.

The project site is located along the northern banks of the Noyo River estuary within the lower Noyo Harbor area (see Exhibit Nos. 1-4). Since the late 1950s, the 2.21-acre parcel has been developed and used as a mobilehome park, restaurant, and mini-warehouse storage complex. The portion of the site slated for infrastructure repairs and improvements is situated on the west side of North Harbor Drive, lying approximately 100 feet landward the bulkhead line along the Noyo River within the unincorporated Noyo Harbor (see Exhibit No. 5).

The site is located within an established urbanized community area developed with a variety of priority coastal-dependent, coastal-related, and visitor-serving uses, including numerous commercial and sports fishing docks, wharves, marinas, and drayage facilities, fishing guide charters, restaurants, and related commercial retail interests. The property ranges in elevation from approximately 14 to 18 feet above mean sea level. Although the site largely consists of denuded, paved or graveled covered surfaces occupied by manufactured housing units and commercial food serving and storage structures, the bluff face area immediately to the north of the project site is vegetated with a coastal mixed conifer forest community containing a mixture of native and exotic species including shore pine (Pinus contorta contorta), Monterey cypress (Cupressus macrocarpa), Monterey pine (Pinus radiata), red alder (Alnus rubra) blue gum (Eucalyptus sp.) acacia, and related ruderal undergrowth species.

B. Project Description.

The proposed project includes the following two elements:

- 1. Follow-up Permit for Repairs to Mobilehome Park's Electrical, Water, and Sewer Systems:** The first project element involves the follow-up permit for the repair made without first securing permits to the site's electrical service and domestic water transmission facilities, and the sewage collection system. On or

about June through October 2005, the applicant vacated the spaces within the park and undertook a variety of repairs to the facilities electrical, water, and sewage systems. Approximately 600 lineal feet of electrical conduit was installed within a series of shallow underground trenches excavated throughout the park to provide power to 23 of the park's currently configured 34 mobilehome lots. In addition trenched water supply piping and sewerage collection lines totaling some 750 lineal feet each were also installed to all of the 34 lots. Following a site visit by staff from the California Department of Housing and Community Development's Code Enforcement Division, a stop-work order was issued for the related installation of a propane gas distribution system.

2. **Installation of Propane Storage and Distribution System and Repaving:** The second project element involves the installation of the propane storage and distribution facilities and repaving of existing driveways and parking areas within the park. A 1000-gallon propane storage tank would be placed on Lot 10 in the northern corner of the park, with approximately 950 lineal feet of distribution lines installed along the rear side of the other 33 lots. After all of the remaining trench excavation has been completed and backfilled, an approximately 17,500 square-foot area of existing paved access drives and parking areas would be surfaced with asphaltic concrete applied directly to the surface of the existing tarmac.

C. **Permit Authority, Extraordinary Methods of Repair and Maintenance.**

As discussed in *Project Description Findings* Section IV.B above, the proposed project involves the repair and maintenance to the electrical, water, sewer, and natural gas infrastructure within an existing mobilehome park.

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: ...

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission

determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.
[Emphasis added.]

Section 13252 of the Commission's administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part:

(a) *For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...*

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean....
[Emphases added.]

The proposed project is considered a repair and maintenance activity because the work does not involve an addition to or enlargement of the mobilehome park. Although certain types of repair projects are exempt from CDP requirements, Section 13252 of the regulations requires a coastal development permit for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed infrastructural repairs and

repaving would involve the repairs and maintenance to a facility that extends to the river's edge where heavy equipment and potentially hazardous construction materials could be staged, stored or operated, this repair and maintenance activity poses a risk of substantial adverse impacts to the adjoining estuarine ESHA. Thus, these project elements require a coastal development permit under Section 13252(a)(3) of the Commission regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

D. Protection of Coastal Water Quality.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed repair and maintenance work would take place near the coastal waters of the Noyo River estuary. All of these project elements involve soil disturbance and vegetation removal. Therefore, there is a potential for adverse impacts to the water quality and biological productivity of the Noyo River and adjoining intertidal wetlands.

Coastal Act Section 30231 protects the quality of coastal waters, streams, and wetlands through, among other means, controlling runoff and maintaining natural vegetation. Grading, soil disturbance, and vegetation removal can result in the discharge of sediment into site runoff, which upon entering coastal waters, increases turbidity and adversely affects fish and other sensitive aquatic species. Sediment is considered a pollutant that affects visibility through the water, and affects plant productivity, animal behavior (such as foraging) and reproduction, and the ability of animals to obtain adequate oxygen from the water. With respect to potential effects on fish and fish habitat, sediment is often a major pollutant of concern, because fine sediments have been well documented to fill pore spaces between larger gravel and cobble, eliminating the relatively coarse sediments required for egg and fry survival of many freshwater-spawning fish. Sediments may

physically alter or reduce the amount of habitat available in a watercourse by replacing the pre-existing habitat structure with a stream-bottom habitat composed of substrate materials unsuitable for the pre-existing aquatic community. In addition, sediment is the medium by which many other pollutants are delivered to aquatic environments, as many pollutants are chemically or physically associated with the sediment particles.

The requirements of Special Condition No. 1 will ensure the stabilization of ground disturbed and paved to minimize erosion and the amount of sediment and other entrained pollutants from potentially entering the Noyo River. Therefore, as conditioned, the Commission finds that the mobilehome park infrastructure repair work is consistent with Section 30231 of the Coastal Act, as the proposed repair work would protect the biological productivity and water quality of Salmon Creek.

E. Protection of Priority Waterfront Sites and Coastal Dependent Developments.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30255 states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The Coastal Act establishes numerous provisions for the protection and reservation of waterfront sites and areas for development of facilities for a variety of high-priority coastal dependent, coastal related, and visitor serving uses. Priority is to be given to such highly desired uses, especially those functionally dependent upon locations on or near open coastline and watercourses.

Since its founding as a small fishing village in the 1850s, the Noyo Harbor area has served as an important center for a variety of coastal dependent uses. Upon the extension of a logging railroad line up into the Noyo watershed, the harbor grew to become one of Mendocino County's chief centers for the milling and export of timber products. In the early 1900s, the area also developed into a "harbor of refuge" for both commercial fishing and passenger vessels transiting the North Coast waters between San Francisco and Eureka. Currently, the harbor is the home port to approximately 200 commercial fishing boats. Further commercial diversification within the harbor over the years has brought a variety of other uses, including fishing charter guide services, mooring and repair facilities for both commercial fishing and recreational pleasure craft, and seafood processing facilities, including the first production center on the West Coast for sea urchin *uni*. Although timber processing facilities have largely been scaled back and relocated to other areas, and access to ocean salmon for commercial fishing has diminished somewhat due to closures related to conservation, the Noyo Harbor remains an important commercial and sport fishing center.

As described in the project site and development descriptions, the subject mobilehome park is recognized as a legal nonconforming use that was established before enactment of the Coastal Act's land use regulatory program. Accordingly, the owner is afforded rights to repair and maintain the mobilehome park use at its historic scope and scale effectively in perpetuity, unless the use were to be declared a nuisance or rights to its continuance otherwise extinguished by operation of law.

Notwithstanding these inherent rights to ongoing operation, repair and maintenance, further expansions to the park and new uses are not protected by such rights. The introduction or substitution of new uses at the property could preclude the establishment of needed priority uses within the Noyo Harbor area. Accordingly, to prevent displacement of needed priority uses, the Commission attaches Special Condition No. 2. Special Condition No. 2 sets restrictions on future development at the project site, requiring any modifications to the approved project, the introduction new uses or development or any changes in the density or intensity in the use of land or access to water to be subject to the Commission's permitting authority to assure that such changes or new development remains fully consistent with policies of the Coastal Act requiring the protection, prioritization, and reservation of these priority uses and developments. Therefore, as conditioned, the Commission finds the development to be consistent with Sections 30220, 30222, 30223, and 30255 of the Coast Act.

F. Public Access.

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project site is located between the first public road (South Street) and the sea, it will not otherwise adversely affect public access. There are no trails that provide shoreline access through the subject property and therefore, the installation and repairs to the park's infrastructure, and the repaving of impervious surfaces would not result in a barrier to public coastal access. Furthermore, the proposed repairs and system renovation work would not change the nature or intensity of use of the site and thus, would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

G. Alleged Violation.

As noted above, the repairs and upgrades to the park's electrical, water, and wastewater systems were constructed at the site in an area within the Commission's jurisdiction without the benefit of a coastal development permit. Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the cited alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

H. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings

showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures which will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

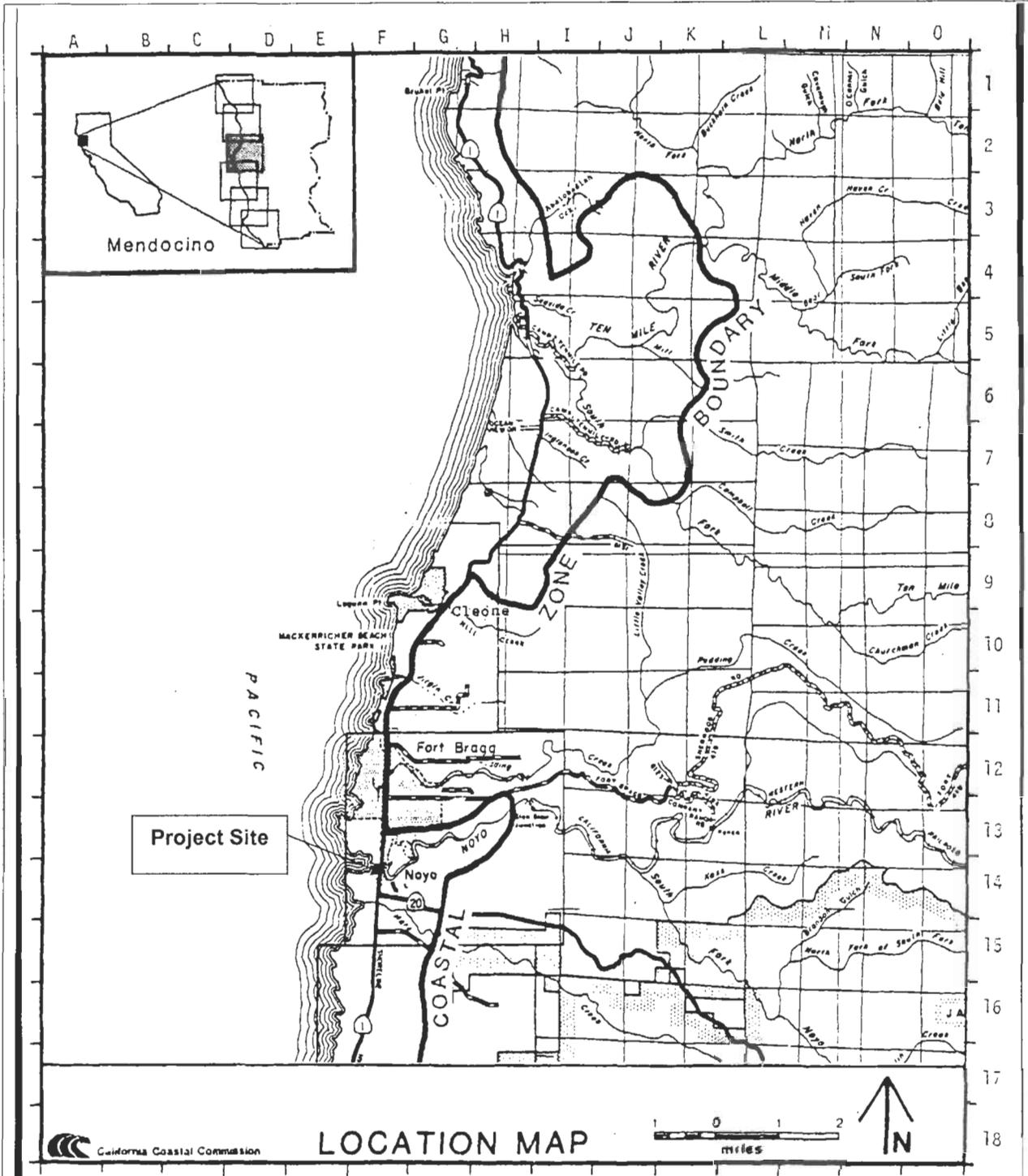
V. EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Portion, DWR/CCC Aerial Photograph 168-10, 1:12,000, May 31, 2001- Project Setting
4. Portion, DWR/CCC Aerial Photograph 168-10, 1:12,000, May 31, 2001- Project Site
5. Site Plans
6. Agency Correspondence
7. General Correspondence

ATTACHMENT A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



County of Mendocino

EXHIBIT NO. 1
APPLICATION NO.
 1-06-025
 AFFINITO
 REGIONAL LOCATION

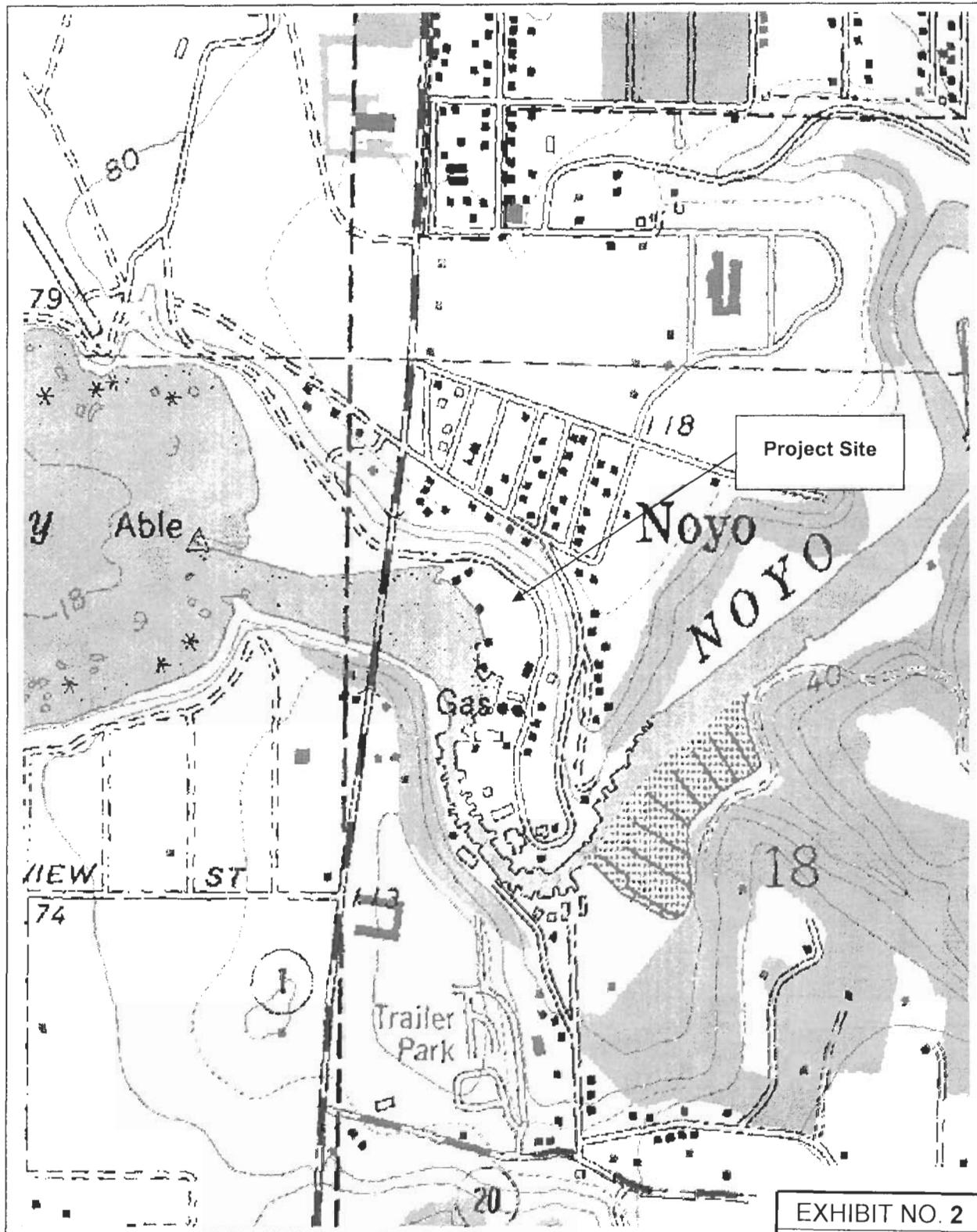
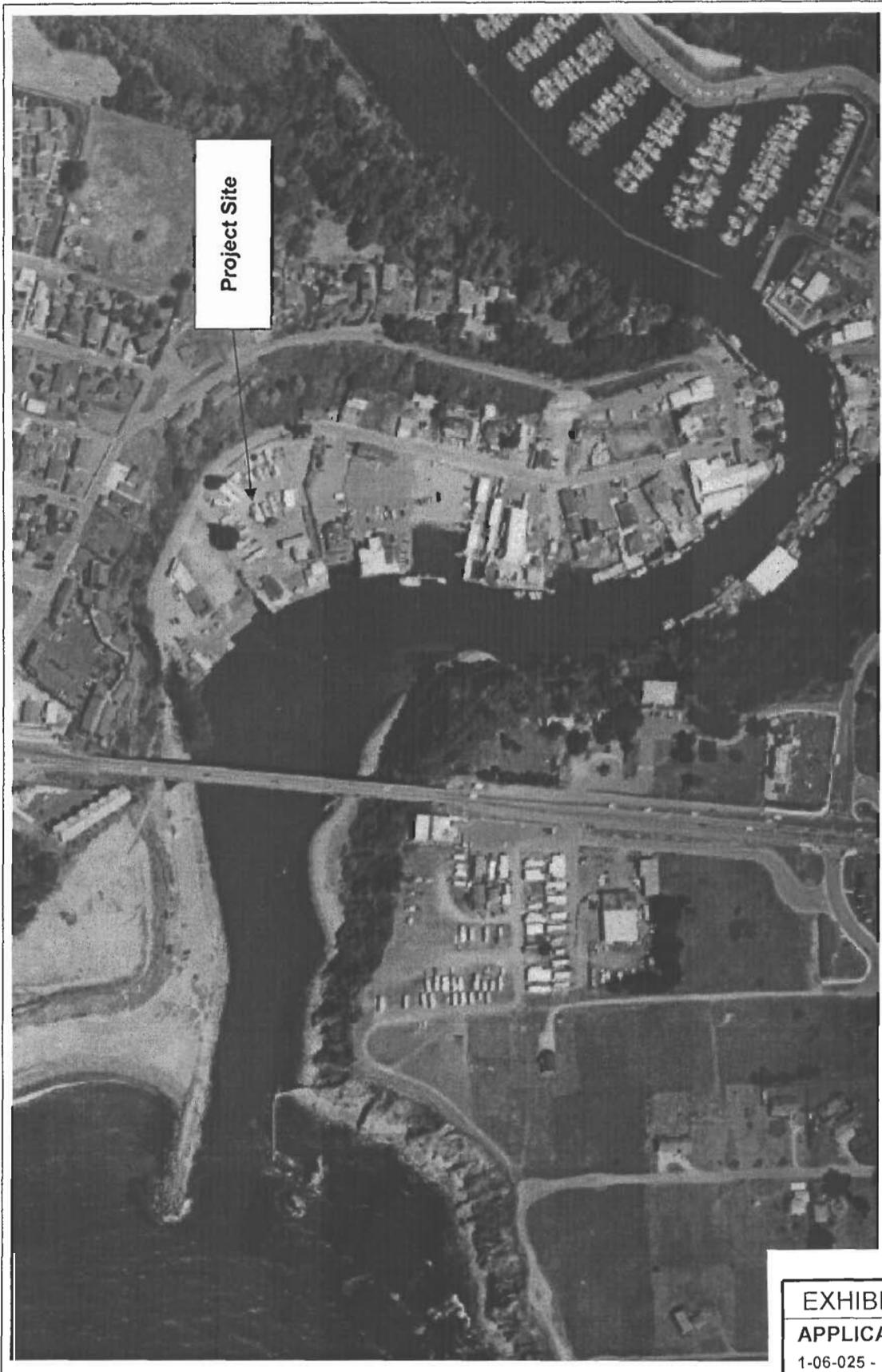


EXHIBIT NO. 2
APPLICATION NO.
1-06-025
AFFINITO
VICINITY MAP



Project Site

EXHIBIT NO. 3

APPLICATION NO.

1-06-025 - AFFINITO
PORTION, DWR/CCC AERIAL
PHOTOGRAPH 168-10,
1:20,000, MAY 31, 2001 -
PROJECT SETTING

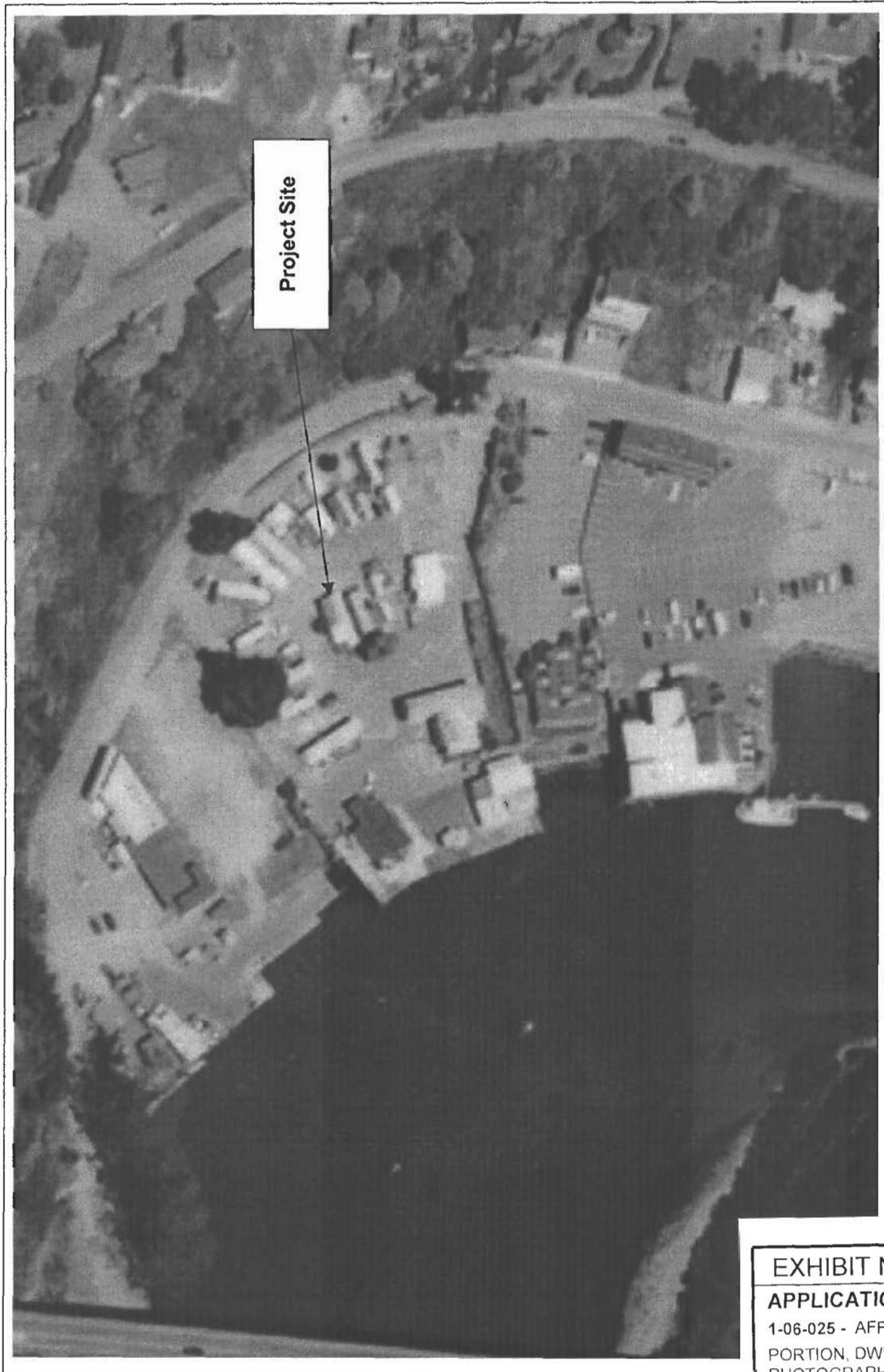


EXHIBIT NO. 4

APPLICATION NO.

1-06-025 - AFFINITO
PORTION, DWR/CCC AERIAL
PHOTOGRAPH 168-10,
1:20,000, MAY 31, 2001 -
PROJECT SITE

NEW PLOT PLANS

THE VILLAGES AT NOYO HARBOR

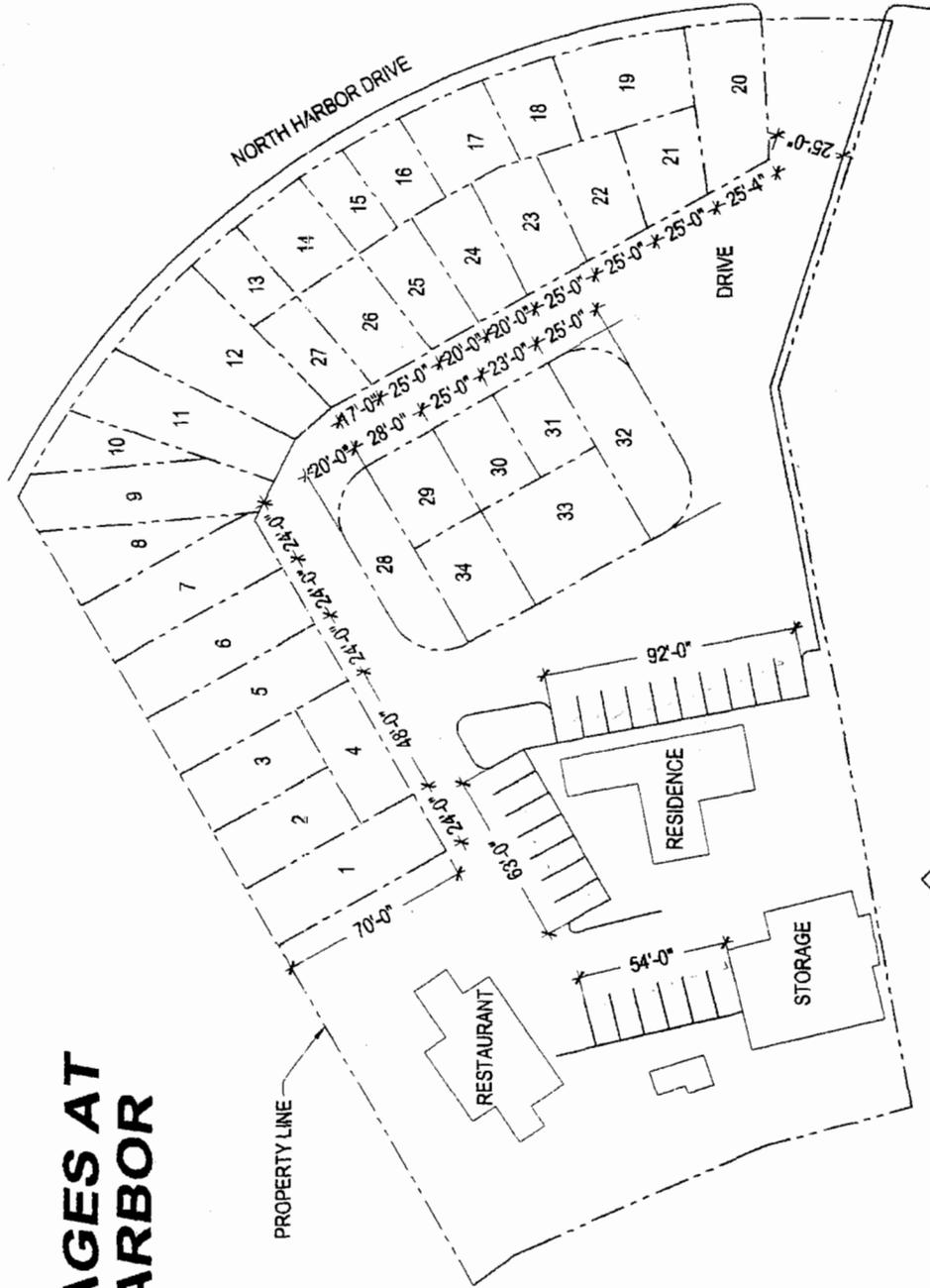
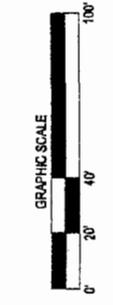


EXHIBIT NO. 5
APPLICATION NO.
1-06-025
AFFINITO
SITE PLANS (1 of 4)



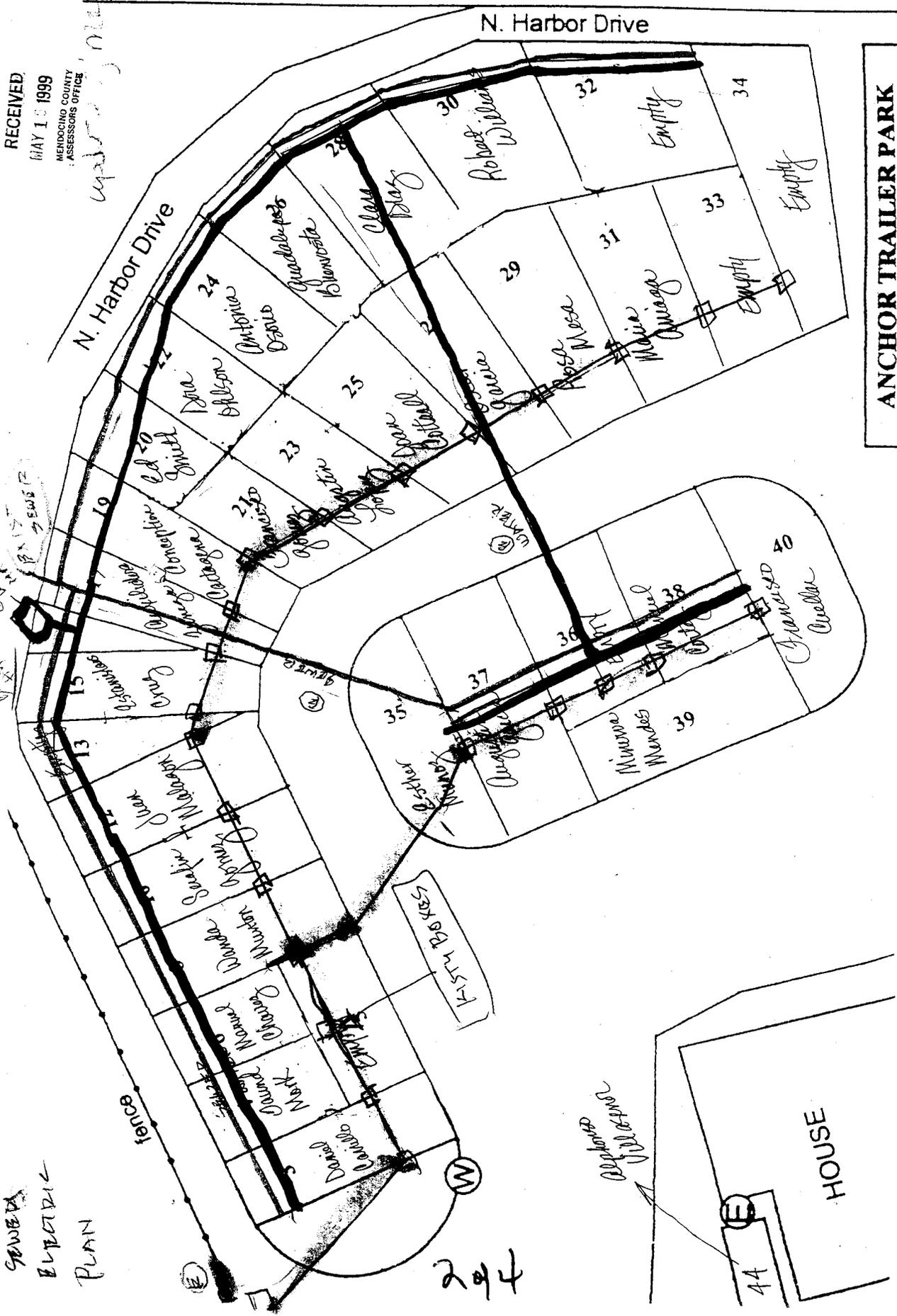
1 Existing Site Plan
SCALE: 1"=20'-0"


KEITH SUCHOW-ARCHITECTS, INC.
P.O. Box 5467
Merced, CA 95344 (209) 798-1827

WATER
SEWER
ELECTRIC
PLAN

72-50
RECEIVED
MAY 1 1999
MENDOCINO COUNTY
ASSESSORS OFFICE

updring map



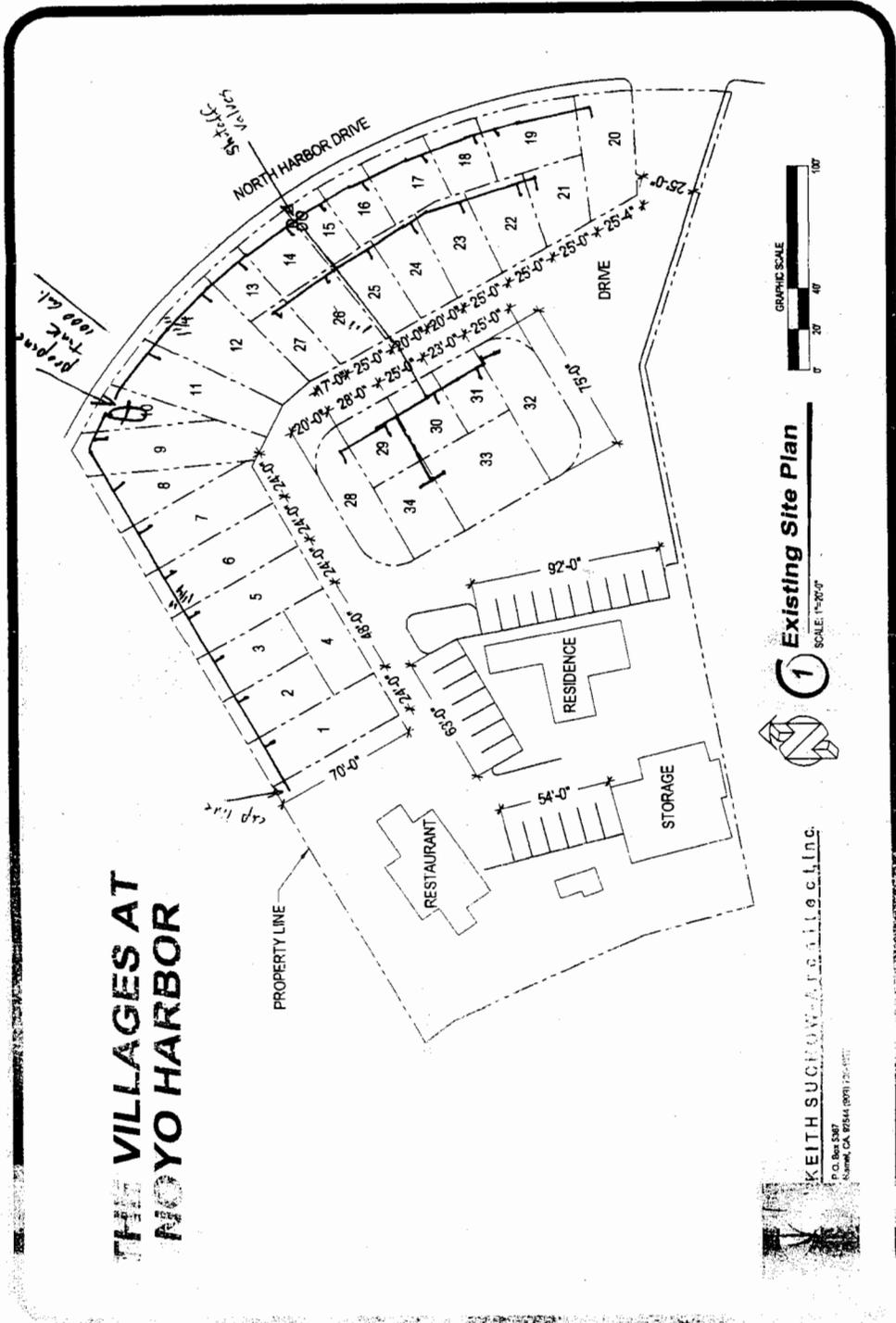
5/17/99

ANCHOR TRAILER PARK

204

PROBABLE PLAN PROVIDED BY KEMGAS
707-964-4774

THE VILLAGES AT NOYO HARBOR



1 Existing Site Plan
SCALE: 1"=20'-0"



KEITH SUCKOW ARCHITECTS, INC.
P.O. Box 5867
San Jose, CA 95128 (408) 755-1477

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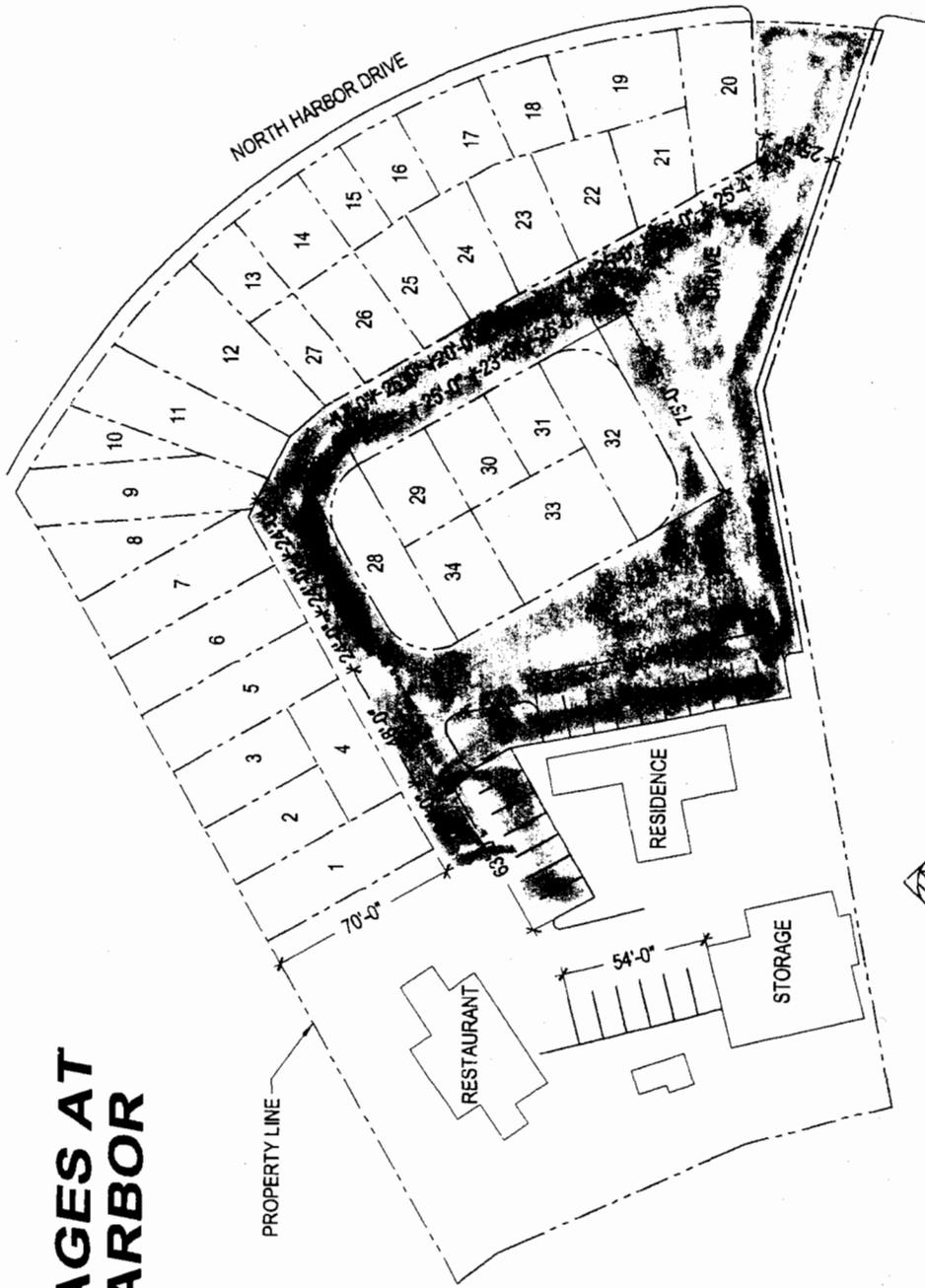
MAY 23 2006

ASPHALT OVERLAYMENT PLAN OVER
EXISTING ASPHALT

SECTION 11

COASTAL COMMISSION

THE VILLAGES AT NOYO HARBOR



KEITH SUCHOW-ARCHITECT, INC.

P.O. Box 1387
Marina, CA 95541 (408) 798-1827



1 Existing Site Plan

SCALE: 1"=20'-0"



404



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
790 SOUTH FRANKLIN STREET · FORT BRAGG · CALIFORNIA · 95437

RAYMOND HALL, DIRECTOR
Telephone 707-964-5379
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www.co.mendocino.ca.us/planning

February 14, 2006

ATTACHMENT TO APPENDIX B

EXHIBIT NO. 6
APPLICATION NO.
1-06-025
AFFINITO
AGENCY CORRESPONDENCE (1 of 5)

Applicant: Robert Affinito

Project Description: Repair or replace existing water/sewer & electric to mobile home park.
Replace existing mobiles with new.

Location: 32200 North Harbor Drive

Assessor's Parcel Number: 018-130-39

The Mendocino County Land Use Plan and Zoning Code do not specify a maximum number of dwelling units per acre in the Fishing Village District because, except for a single employee caretaker dwelling, residences are not permitted, either as permitted uses or as conditional uses. A minimum lot size of 6,000 square feet is allowed where water and sewer service is available.

The mobile home park on AP# 018-130-39, formerly the Anchor Trailer Park, has been determined to be a legal nonconforming use by Raymond Hall, Director, Mendocino County Department of Planning and Building Services (letter to Steve Canterbury dated August 10, 2004).

If new landscaping in excess of 2,500 square feet is proposed, a Landscape Documentation Package may be required by the Water Conservation in Landscaping Act.

A handwritten signature in black ink, appearing to read "Charles N. Hudson".

Charles N. Hudson
Senior Planner



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

Raymond Hall, Director
Telephone 707-463-4281
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pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

August 10, 2004

STEVE CANTERBURY
COAST HOMES
18631 NORTH HIGHWAY 1
FORT BRAGG, CA 95437

Re: 32200 North Harbor Drive

Dear Mr. Canterbury:

Please excuse the delay in responding to your June 22, 2004 correspondence. Because of many unique features associated with your proposal and the dual jurisdiction (County and Coastal Commission), it took much longer than anticipated to research.

By recent telephone message, you stated that you have abandoned the concept of a time-share mobile home park but were interested in re-establishing a 44-unit mobile home park. Additionally, you asked if each of the occupants/owners of the mobile homes would have the ability to rent their mobile home as a vacation home rental. My conclusions are as follows:

1. A mobile home park has been located at this site for many years and is considered a **legal non-conforming use**. While there are considerably less than 44 mobile homes on the site presently, the 10+ mobiles present maintain the legal non-conforming status provided that you can provide HCD permits over the past several years showing the site as authorized for a 44-space mobile home park.
2. Please be advised that, if physical improvements are planned, such as utility extensions, new structures, etc., you may be required to obtain a Coastal Development Permit.
3. While certainly not "black or white" in the County Code, I do not believe that occupants of a mobile home park can rent their mobile homes as vacation home rentals. The rental of multiple units to transient guests would constitute a visitor serving facility according to the Local Coastal Program. Such a conversion (mobile home park to visitor serving facility) would require the processing and approval of a use permit.

According to California Coastal Commission staff, much of the subject property lies within the original jurisdiction of the Coastal Commission. This means that the Coastal Commission has permit authority within that portion of the site closest to the Noyo

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Mr. Steve Canterbury
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River. You should contact the Coastal Commission staff in Eureka to ascertain if their interpretation of the land use regulations are consistent with the content of this letter.

Should you have any questions, please do not hesitate to call me at (707) 463-4281.

Sincerely,



Raymond Hall
Director

RH:DAW

cc: Robert Merrill, California Coastal Commission-Eureka
Linda Ruffing, City of Fort Bragg
Charles "Woody" Hudson, Senior Planner – Fort Bragg Office

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS

ACTIVITY REPORT

Date 10/5/05 Report by Jeanne Peffley
Applicant Robert Affinito
Address 400 S. Main St. Fort Bragg, Ca. 95437
Activity Site (if other than above) Anchor TP
32200 N. Harbor Drive Fort Bragg, Ca. 95437
Owner (if other than above)
Address

AREA OFFICES
[X] Northern Area
8911 Folsom Blvd.
P.O. Box 1407
Sacramento, CA
95812-1407
Tel. (916) 255-2501
[] Southern-Area
3737 Main Street
Suite 400
Riverside, CA 92501
Tel. (909) 782-4420

DEPARTMENT USE ONLY

FILE IDENTIFICATION:
CPT/ASSIGNMENT#
FAC. ID # 23-0052

LABOR DATA:
DR ID 48 DATE 10/7/05
PCA/ACT CODE mp fm AREA n
CO 23 LOC TR MILES
TIME: INSP/ACT TR

INSPECTION DATA:
[X] TIME REPORT ONLY
[] INITIAL INSPECTION [] REINSPECTION
HOME/UNIT # FLOORS

VIOLATION DATA:
TOTAL MP TENANT
S F E M P G/O NP

MH ALTERATION TYPE:
AC ACC ROOF FP O

THIRD-PARTY MONITORING:
QAA @ HQ IP DL IS
DAA #PLANS #COMPLY

MP INSPECTION DATA:
BLG/FIX MH LOT RV LOT AS

EH INSPECTION DATA:
[] ACTIVE [] INACTIVE
MAX CAP P CAP OCC
SFD DORM MH/RV O

FEE ACCOUNTING:
COL#

Table with columns: USED, DUE, ATTACHED. Rows: INSPECTION, INSIGNIA, OTHER.

ATTACHED FEE I.D.

PURPOSE OF REPORT: (Checked (a) as appropriate)

[] INSPECTION RECORD ONLY
[] INFORMATION ONLY

[X] NOTICE OF VIOLATION AND RELATED INFORMATION: This report provides notice of violations of the California Health and Safety Code, Division 13 or the California Code of Regulations, Title 25, Division 1, Chapter 2, Sections indicated. Copies of the regulations may be obtained from Barclays Law Publishers, P. O. Box 3066, South San Francisco, CA 94083-3066.

Violations indicated shall be corrected and a written request for further inspection filed with the Area Office indicated above on or before 11/5/05. The request for inspection shall be accompanied by a minimum fee of \$????

A permit shall be obtained from the Area Office identified above for work to correct item(s) #

If you believe this report has been issued in error or is factually incorrect, please contact the Area Supervisor at the Area Office indicated above.

INSPECTED UNIT IDENTIFICATION:

Type of Unit Box Size Overall Size RT Decal No.
Manufacturer, Year and Model
HUD LABEL or HCD Insignia No. N/A
Serial No. or V. I. N.

INSPECTION RESULTS OR INFORMATION:

Conducted an investigation of the alleged park construction underway in the above park without any permits from this department and approvals from the local agencies. I had previously met with the park owner and mobile home dealer to provide our preliminary plan review booklet and to discuss their desire to add a liquid propane tank and underground lines to the existing lots. See attached report dated 6/ 10/05.

Findings: On October 5th I went to the park to find it completely empty of mobile homes, the area was completed regraded, with new lots and new underground electrical conduit, water lines and sewer lines. The trenches were covered. The gas lines had not been installed. I met with the propane dealer who had scheduled a technical service meeting with me to make application for the underground gas system at his office. I told the propane dealer that I was placing a stop work order on the job. I understand from several sources that this property has been subdivided and that the existing park was split in two. The original park was permitted for 44 spaces. The new owner has not contacted this office to report the changes in the park status including the sale, subdivision and new park ownership as required pursuant to T25CCR section 1014.

See page two for corrections required.

RECEIVED BY TITLE

DEPARTMENTAL USE ONLY: Action: [] Close File [] Reinspection Required [] Progress Inspection Required
[] Enforcement Action Needed [] Other
SEND COPIES TO: [] Recipient [] Owner [] SAA [] OL [] Other

SUPERVISOR REVIEW DATE COPIES SENT BY JLP DATE
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ACTIVITIES REPORT CONTINUATION

Date 10/7/05 Inspected by Jeanne Peffley Page 2 of 2

Name Anchor TP

Corrections required:

1. Pursuant to T25CCR section 1018 permits are required to construct or reconstruct any electrical, plumbing, mechanical systems in the park and any changes in lot size, location, shape and grading.

1a. Provide engineered plans for the new parcel size, all grading, underground utility systems and lot layout. Include a flood elevation certificate for base flood elevation and actual elevations in the park.

1b. Plans shall be submitted to the local agencies for their approvals prior to submittal to this department for a building permit. Local agency approvals are highlighted in the preliminary plan review booklet which I have included herein.

1c. Contact this representative when you have received the completed plans, calculations, flood elevation certificate and local agency approval for a preliminary plan review prior to submittal to HCD for plan check.

2. Stop Work Immediately pursuant to 1046.

3. Complete enclosed HCD 500 to amend park ownership and amount of lots pursuant to T25CCR section 1014. This will be processed along with the permit application.



STATE OF CALIFORNIA

Business, Transportation and
Housing Agency

Jeanne Peffley
District Representative I

Department of Housing and Community
Development
9342 Tech Center Drive, Suite 550
Sacramento, CA 95826

(707) 272-7988

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